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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,982	04/16/2004	Hiroshi Ikeda	04227/LH	8749

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EXAMINER

RAO, SHEELA S

ART UNIT PAPER NUMBER

2125

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/825,982	Applicant(s) IKEDA ET AL.	
	Examiner Sheela Rao	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Applicant's response/amendment filed 14 December 2005 has been entered and considered.
2. Claims 15-25 are pending and presented for examination. Claims 1-14, as originally presented, have been canceled. Claims 15-25 have been newly added.

***Response to Amendment***

3. The objection made to the disclosure/drawings is withdrawn in light of the amendments made. The corrected sheets of drawings for figs. 2 and 4 are approved by the Examiner.
4. The rejection of claims 1-14 under 35 USC §102(a) as being anticipated by US Patent Application Publication 2004/0059635 to Chang et al. is withdrawn in light of the cancellation of the cited claims.

***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 15-25 are rejected under 35 U.S.C. § 102(a) as being anticipated by US Patent Application Publication 2004/0059635 to Chang et al.

The reference of prior art to Chang et al. (hereinafter, "Chang") teaches of a photo laboratory system that manages photo processing while managing the processing along with workflow. In doing so, the invention by Chang clearly teaches the limitations of the instant invention as claimed.

The limitations of instant claims 15-20 and 21-25 will be addressed together as these claims are directed to elements of the methodology and the process control program, respectively, of the same processing control unit. The workflow management function module, element 18 of figure 1, uses software or a control program to schedule and control the processing of the photo laboratory to teach the limitations of the aforementioned instant claims. The workflow management module is linked to various modules that keep record of the status of the order and schedule of the system. The server functions as a database wherein order information and customer information are stored. Furthermore, the workflow

management module determines a schedule based on the processing capacity of an apparatus, the number of operators, scheduled work hours, current workload, etc. Thus, the module calculates a production time and determines the processing of the product while assigning an operator to the product based on the process being performed. As shown in figure 5 and described beginning with paragraph [0101], Chang explains the process taken when an order is placed. First the order is analyzed, then the state and work load of each of the apparatuses is determined. Followed by the assignment of resources along with a schedule, and lastly, the determination of processing a time. The scheduling is a course of action that is taken where "a balance is struck among loads in accordance with apparatus performance" (see ¶ [0111]). A display unit is provided to output the pertinent information as well as printing a receipt of such information. See page 7, paragraph [0098] through page 8, paragraph [0104]. An example of the process fulfilled by the system as taught by Chang is stated on page 8, beginning at paragraph [0105].

For the reasons stated above, the limitations of the claimed invention is taught by the prior arts of record; thereby, rendering the instant claims unpatentable.

#### ***Response to Arguments***

7. Applicant's arguments filed December 14, 2005 have been fully considered but they are not persuasive. The originally filed claims have been canceled and the argument raised by the Applicant with regard to the newly added claims is not persuasive. The Applicant states that the reference of prior art to Chang et al. "does not disclose, teach, or suggest the assignment of each production process to particular operators in accordance with both the product and the customer" as claimed. Examiner disagrees. At many instances, Chang et al. indicates that the apparatuses or equipment/operators are provided to process an order. If the equipment/operator was not present or scheduled to complete an order with regard to the product and the customer, the purpose of Chang et al.'s invention would not be fulfilled. Furthermore, as aforementioned, the procedure given as an example at paragraph [0108], clearly teaches, discloses and suggests the scheduling of orders and apparatuses so as to complete the customers order in a timely manner. As stated heretofore, the prior art by Chang et al. does teach, suggest and disclose the invention as claimed; thereby, rendering the claims unpatentable.

**Conclusion**

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (571) 272-3751. The examiner can normally be reached Monday - Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. The fax number for the organization where this application or any proceeding papers is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. It should be noted that status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should any questions arise regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sheela S. Rao  
March 6, 2006



LEO PICARD  
SUPERVISORY PATENT EXAMINER  
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